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September 1, 2022

Via ECF

Hon. Vernon S. Broderick
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

**APPLICATION GRANTED
SO ORDERED** *Vernon S. Broderick*
VERNON S. BRODERICK
U.S.D.J. 09/02/2022

In the event Defendant fails to file its answer by October 31, 2022, Plaintiff is ordered to move for a default judgment by November 4, 2022 or otherwise risk dismissal of the action pursuant to Federal Rule of Civil Procedure 41(b).

RE: *Trustees of the New York City District Council of Carpenters Pension Fund, et al. v. DiMaio Millwork Corp., 22 CV 6416 (VSB)*

Dear Judge Broderick:

This firm represents the Plaintiffs (the “Funds”) in the above-referenced action. We write pursuant to Rule 1.G of your Honor’s Individual Rules and Practices in Civil Cases to request an adjournment of Plaintiffs’ time to move for default as set forth in the Court’s Order dated August 26, 2022 (“the Order”). *See* Dkt. 7. The current deadline for Plaintiffs to move for default judgment is September 9, 2022. For the reasons set forth below, Plaintiffs respectfully request, on consent, an adjournment *sine die*, or in the alternative a ten-week extension of time to move for default judgment.

Plaintiffs commenced this action on July 28, 2022. *See* Dkt. 1. On August 1, 2022, Defendant was served with the pleadings by service through the New York State Secretary of State. On August 31, 2022, with the Funds’ consent, counsel for the Defendant filed a Waiver of Service (*see* Dkt. 8), rendering Defendants’ answer due by October 31, 2022. The parties accordingly request that the Funds’ deadline to move for default judgment be adjusted accordingly.

We thank you for your time and consideration of this matter.

Respectfully submitted,

/s/Charles R. Virginia
Charles R. Virginia, Esq.

cc: Via E-Mail

Christopher Smith, Esq.
Scott Trivella, Esq.